

IN THE SUPERIOR COURT OF THE STATE OF ARIZONA  
IN AND FOR THE COUNTY OF YAVAPAI

<b>FILED</b>	
<b>DATE</b>	NOV 15 2011
<b>2:25</b>	<b>O'Clock P.M.</b>
<b>Sandra K Markham, CLERK</b>	
<b>BY:</b>	<i>Becky Hamilton</i>
	<b>Deputy</b>

DIVISION: PTB

SANDRA K MARKHAM, CLERK

HON. WARREN R. DARROW

BY: Becky Hamilton, Deputy Clerk

CASE NO. V1300CR201080049

DATE: November 15, 2011

TITLE:

COUNSEL:

STATE OF ARIZONA

Yavapai County Attorney (e)

(For Plaintiff)

Plaintiff

vs

JAMES ARTHUR RAY

Thomas K. Kelly (e)

(For Defendant)

D-1

Luis Li/Brad Brian Truc Do/Miriam Seifter  
MUNGER TOLLEST & OLSONG LLP (e)

(For Defendant Pro Hac Vice)

**HEARING ON:**

**NATURE OF PROCEEDINGS**

**COURT REPORTER**

Pre-Sentence

Christy Harrington

**START TIME:** 9:09 a.m.

**APPEARANCES:**

Sheila Polk, Counsel for State  
Detective Ross Diskin, Case Agent  
Kathy Durrer, State's Assistant  
Tom Kelly, Counsel for Defendant  
Luis Li, Pro Hac Vice Counsel for Defendant  
Miriam Seifter, Pro Hac Vice Counsel for Defendant

At 9:09 a.m., Court convenes with the State, Defendant and Counsel present.

The State defers the redirect examination of Detective Ross Diskin until after two witnesses provide testimony for the Defense, as the witnesses have flights scheduled. The State invokes the Rule and requests that witnesses remain outside the courtroom until called to testify.

The Defense will leave this matter to the Court's discretion.

**IT IS ORDERED** the witnesses shall remain outside the courtroom until called to testify.

The witnesses exit the courtroom.

At 9:13 a.m., Jennifer Kwansy is sworn and presents testimony.

The Defense examines the witness.

At 9:44 a.m., the State cross examines the witness.

At 10:13 a.m., the Defense examines the witness on redirect.

The witness is excused and exits the courtroom.

At 10:16 a.m., David McCall enters the courtroom, is sworn and presents testimony.

The Defense examines the witness.

The Court instructs all parties to return at 10:45 a.m.

~\* ~\* ~\* ~\* 10:30 a.m., Recess ~\* ~\* ~\* ~\*

At 10:47 a.m., Court reconvenes with all previously noted parties present. David McCall is on the witness stand.

The Defense continues examination of the witness.

At 11:03 a.m., the State cross examines the witness.

At 11:27 a.m., the Defense examines the witness on redirect.

The witness is excused and exits the courtroom.

At 11:32 a.m., Detective Ross Diskin, still under oath, presents testimony.

The State examines the witness on redirect.

The State moves to admit Exhibit 1181. Court and Counsel discuss the Grand Jury transcript, marked as Exhibit 1181. **IT IS ORDERED** the specific pages of 27 and 28 of Exhibit 1181 shall be **admitted**. The State continues redirect examination of the witness.

The Court directs all parties to return after the lunch recess at 1:30 p.m.

~\* ~\* ~\* ~\* 12:00 p.m., Recess ~\* ~\* ~\* ~\*

At 1:33 p.m., Court reconvenes with all previously noted parties present. Detective Ross Diskin is on the witness stand.

The State continues redirect examination of the witness.

The State moves to admit Exhibit 1183 into evidence. There being an objection by the Defense, **IT IS ORDERED** overruling the objection and Exhibit 1183 is **admitted**.

The witness is excused.

The State moves to admit Exhibit 1174 into evidence. There being no objection, Exhibit 1174 is **admitted**.

The State moves to admit Exhibit 1175 into evidence. There being no objection, Exhibit 1175 is **admitted**.

The State moves to admit Exhibits 1161 and 1162 into evidence. There being an objection by the Defense, **IT IS ORDERED** overruling the objection and Exhibits 1161 and 1162 are **admitted**.

Court and Counsel discuss the issue of restitution.

Subject to the restitution issue, the State rests at this time.

At 1:49 p.m., Staff Sergeant Jack Lane enters the courtroom, is sworn and presents testimony.

The Defense examines the witness.

At 2:14 p.m., the State cross examines the witness.

At 2:15 p.m., the Defense examines the witness on redirect.

The witness is excused and exits the courtroom.

The Court shall take a brief recess to allow counsel to discuss further witnesses.

~\* ~\* ~\* ~\* 2:19 p.m., Recess ~\* ~\* ~\* ~\*

At 2:24 p.m., Court reconvenes with all previously noted parties present.

Court and Counsel discuss the schedule of witnesses for the next two days.

The Court directs all parties to return on November 16, 2011, at 9:00 a.m.

Court adjourns at 2:25 p.m.

cc: Gallagher & Kennedy, P.C., Counsel for the Shore Family (e)  
Murphy, Schmitt, Hathaway & Wilson, PLLC, Co-Counsel for the Brown Family (e)  
Stone & Magnanini, Co-Counsel for the Brown Family (e)  
Aspey, Watkins & Diesel, PLLC, Counsel for the Neuman Family (e)  
Steptoe & Johnson, Counsel for KPNX Broadcasting Company, Trm TV and In Session (e)  
Perkins, Coie, Brown & Bain, Counsel for KTVK-TV (e)  
Victim Services (e)  
Court Administration  
Customer Service Supervisor, Prescott Superior Court